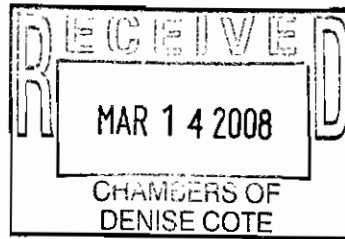


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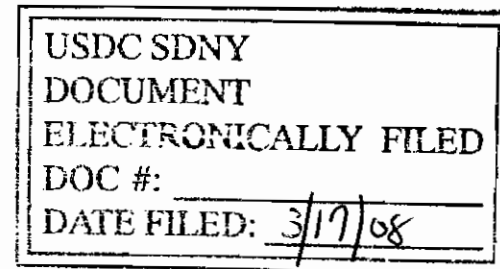


**MEMO ENDORSED**

March 14, 2008

**BY HAND DELIVERY**

The Honorable Denise Cote  
United States District Judge  
United States District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007-1312



Re: *DB Structured Products, Inc. v. First Capital Mortgage Corp.*,  
Case No. 07 CV 4115 (DLC)

Dear Judge Cote:

We represent Plaintiff DB Structured Products, Inc. ("DBSP") in the above-referenced action (the "Action"). The undersigned writes in connection with Your Honor's February 13, 2008 *Order of Discontinuance* which resulted in the discontinuance of the Action without prejudice to restoring the Action to the Court's calendar.

Pursuant to that Order, DBSP respectfully requests that this Action be placed back on the calendar. While the parties continue to discuss resolution of this Action, a settlement agreement has not been finalized, and it is at this time necessary to continue with preparation for trial.

If Your Honor has any questions, please do not hesitate to contact me.

*The Clerk of Court shall reopen the case  
Discovery is extended to May 2, 2008.  
There shall be no further extension  
Denise Cote  
March 17, 2008*

Respectfully submitted,

*John P. Doherty*  
John P. Doherty

cc: Peter Fazio, Esq. (By Email & Regular Mail)